



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

LA'QUAN RAMELL HYMAN,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 4:13-3523-MGL-TER
	§	
SOUTH CAROLINA DEPARTMENT OF	§	
CORRECTIONS, LEE CORRECTIONS	§	
INSTITUTIONAL MEDICAL HEALTH	§	
CARE PROVIDER, RN JUDY RABON, and	§	
RN MS. MCDONALD,	§	
Defendants.	§	

ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTION TO DISMISS THE CLAIMS AGAINST
DEFENDANT RN JUDY RABON AND DEFENDANT RN MS. MCDONALD,
AND REMANDING THE REMAINING STATE LAW CLAIMS AGAINST
DEFENDANT SOUTH CAROLINA DEPARTMENT OF CORRECTIONS AND
DEFENDANT LEE CORRECTIONS INSTITUTIONAL MEDICAL HEALTH PROVIDER
TO THE LEE COUNTY COURT OF COMMON PLEAS

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' Motion to Dismiss the claims against Defendant RN Judy Rabon and Defendant RN Ms. McDonald be granted, and the remaining state law claims against Defendant South Carolina Department of Corrections and Defendant Lee Corrections Institutional Medical Health Provider be remanded to the Lee County Court of Common Pleas. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 15, 2016, but neither of the parties filed any objections to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that Defendants’ Motion to Dismiss the claims against Defendant RN Judy Rabon and Defendant RN Ms. McDonald is **GRANTED**, and the remaining state law claims against Defendant South Carolina Department of Corrections and Defendant Lee Corrections Institutional Medical Health Provider are **REMANDED** to the Lee County Court of Common Pleas.

IT IS SO ORDERED.

Signed this 26th day of July, 2016, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.